

REMARKS

I. This Amendment-After-Allowance Should be Entered as a Matter of Right

Entry of the new claims 30 to 35 as a matter of right after allowance of amended claims 23 to 29 (amended by the Examiner's amendment in the Notice of Allowance) is respectfully requested.

According to M.P.E.P. 714.13 II (as referred to by the second paragraph of M.P.E.P. 714.14) some amendments of the claims after allowance can be entered as matter of right. M.P.E.P. 714.13 II (pp. 700-261) includes the following statement:

"Except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37 C.F.R. 1.116 (b) (3) is expected in all amendments after..."

II. The Telephone Interview of April 7, 2009

Authority to make an Examiner's amendment of the claims filed in the amendment dated January 13, 2009 was granted during a telephone interview of April 7, 2009 so that the above-identified U.S. Patent Application would be allowed. However new claims 30 to 35 are added by this amendment under 37 C.F.R. 312 and should also be included in the granted patent.

The new claims 30 to 35 are effectively amended claims 17 to 22 (canceled by the Examiner's amendment), which only claim subject matter which the Examiner informed the applicants' representative was allowable. During the telephone interview the Examiner pointed out the limitations in claim 23 that convinced him to allow claims 23 to 29. These limitations appear in the next-to-last and second-to-last paragraphs of allowed claim 23.

During the telephone interview applicants' representative asked the Examiner if claim 17 would be allowable over the prior art disclosures if the same limitations were introduced from claim 23 into claim 17. The Examiner agreed that claim 17, if it was amended to include the indicated limitations of claim 23, would be allowable over the prior art. However he stated that he felt that a claim 17, which was amended in that way, would essentially be a duplicate of claim 23 because the "concentrator" of the amended claim 17 was equivalent to or the same as the "parabolic reflector" of claim 23. The applicants do not agree with the opinion of the Examiner that the terms "parabolic reflector" and "concentrator" have the same scope and believe that there is a loss of patent claim coverage if no claims are filed with the term "concentrator".

During the telephone interview applicants' representative disagreed with the assertion that the concentrator and the parabolic reflector would necessarily be the same. He stated that "parabolic" refers to a particular shape, namely a parabolic shape and that the concentrator could have other shapes, such as spherical, which differs from parabolic, or even an irregular polygonal shape.

In view of the position of the Examiner during the telephone interview that a claim 17 amended to include the indicated limitations from claim 23 overcomes the only remaining rejection, namely the obviousness rejection under 35 U.S.C. 103 (a) over Delgado, et al; Kuckelkorn, et al; and further in view of Bunch, new claims 30 to 35 should be entered and allowed with the already allowed claims 23 to 29 as amended by the Examiner's amendment.

It is submitted that "only cursory review" on the part of the Examiner would be required to ascertain that the new claims 30 to 35 are allowable over the prior art. This is the standard for avoiding the requirements of 37 C.F.R. 1.116 (b) (3), especially in view of the opinions of the Examiner during the interview by telephone. Claim 30 is the same as canceled claim 17, except that the limitations from the last paragraphs of claim 23 have been included in claim 30. Dependent claims 31 to 35 are the same as dependent claims 18 to 22.

For the aforesaid reasons and because the limitations that resulted in allowance of independent claim 23 have been included in new independent claim 30, entry and allowance of the new claims 30 to 35 is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal

discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker,
Attorney for the Applicants
Reg. No. 27,233